IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE SEVENTH DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE D.S.R.VARMA

WRIT PETITION NO : 7640 of 2005

Between:

1. Puroshotham Reddy, S/o. S.Narayana Reddy,
   Holagunda Mandal, Kurnool District.
2 Salagundi Basavana Gouda, S/o. Purushotham Reddy,
   Holagunda Mandal, Kurnool District.

..... PETITIONERS

AND

1 Sree Raghavendra Mutt, Manthralayam,
   rep. by its Manager, Manthralayam Mandal, Kurnool.
2 Asst. Commissioner, Endowments, Kurnool.
3 Deputy Commissioner, Endowments, Kurnool.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ order or direction more particularly one in the nature of writ of Mandamus, directing the respondents not to evict the petitioners to an extent of Ac.11.51 cents of dry land situated in Sy.no.317/A, 317/C and 317/C3 of Jajjehadli Village of Holagunda Mandal, Kurnool District by declaring the action of the respondents in conducting the auction of the lands in possession of the petitioners as illegal and arbitrary and consequently direct the respondents to hold the petitioners as "small former" and continue the petitioner as cultivating tenant and pass such other order or orders.

Counsel for the Petitioner: MR.T.RAJENDRA PRASAD

Counsel for the Respondent No.1: Mr. V. Venugopal Rao

Counsel for the Respondent No.2 and 3: GP for Endowments

The Court at the stage of admission made the following :

ORAL ORDER:

Heard both sides. Perused the material placed before me.

The petitioners who claim to be the tenants for the lands belong to the Mutt want to purchase the land as small farmers, as contemplated under Sub Section 2 of section 82 of The A.P. Charitable and Hindu Religious Institutions and Endowments Act, 1986 (for short 'the Act').

Learned counsel for the first respondent contends that there are so many discrepancies with regard to the extent of the land held by the petitioners. It is his further contention that the petitioners are the tenants for six years only and that the petitioners are newly inducted persons and so they are not entitled to have the benefits under Sub Sec. 2 of Section 82 of the Act. Further, it is brought to the notice of this Court that in the affidavit filed along with the writ petition the petitioners stated that they are landless poor owning only five acres of land, whereas in the legal notice issued by the petitioners, dated 14.3.2005, it was stated as ten years. So all these discrepancies create a doubt not only in the mind of the Court, but also to the authorities concerned.

Having regard to the facts and circumstances of the case and in view of the contentions raised by the respective counsel, the writ petition is disposed of at the stage of admission with a direction to the respondents to conduct an enquiry on the application said to have been made by the petitioners dated 14.3.2005. However, even if no application is pending, the petitioners are at liberty to make a fresh application to the authorities concerned and upon filing of any such application, the respondents shall consider the same, after conducting due necessary enquiry into all the aspects discussed above, including the eligibility of the petitioners as per G.O. Ms. No. 379, Rev (Endowments. I), dated 11.3.2003. No costs.

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kvsn 07-04-2005

To

1 Sree Raghavendra Mutt, Manthralayam,
rep. by its Manager, Manthralayam Mandal, Kurnool.

2 Asst. Commissioner, Endowments, Kurnool.

3 Deputy Commissioner, Endowments, Kurnool.

4 Two CCs to GP for Endowments, High Court buildings, Hyderabad.

5 Two CD copies.